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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,445	02/20/2001	Lu You	50432-022	5047

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EXAMINER

VU, HUNG K

ART UNIT	PAPER NUMBER
2811	

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	09/785,445	Applicant(s)	YOU ET AL.
Examiner	Hung K. Vu	Art Unit	2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 October 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3,4,7-13 and 19-30 is/are pending in the application.

4a) Of the above claim(s) 19-30 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3,4 and 7-13 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1 and 7 are objected to because of the following informalities:

In claim 1, line 5, "said second" should be changed to "a second" for clarity.

In claim 7, line 1, "said material" should be changed to "a material" for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not disclose the second etch stop layer disposed on and contacting the first metallization layer, as recited in claim 4. Note that there is a diffusion barrier layer between the second etch stop layer and the first metallization layer.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 7-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, it is unclear as to what a relationship is between the second etch stop layer and the rest of the other layers. Should the via also extend through the second etch stop layer?

In claim 1, lines 9-11, the phrase “wherein said sidewall diffusion barrier and said sidewall diffusion barrier layer are formed from a same material” is unclear as to how the sidewall diffusion barrier should have different material than that of itself.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in–
 - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
 - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1 and 7-12, in compliance with 35 USC 112, are rejected under 35 U.S.C. 102(e) as being anticipated by Chooi et al. (PN 6,372,636).

Chooi et al. discloses, as shown in Figures 2f, 3f and 4f, a semiconductor device comprising,
a first metallization layer (210);
a first diffusion barrier layer (215) disposed over the first metallization layer;

a first etch stop layer (235) disposed over and spaced from the first diffusion barrier layer;

a dielectric layer (230) disposed over a second etch stop layer (225), wherein the second etch stop layer disposed over the first diffusion barrier layer;

a via extending through the dielectric layer, the first etch stop layer, the second etch stop layer and the first diffusion barrier layer;

a sidewall diffusion barrier layer (250) disposed on sidewalls of the via.

Note that the term “formed by reverse sputtering” is method recitation in a device claimed, and it is non-limiting, because only the final product is relevant, not the method of making. A product by process claim is directed to the product *per se*, no matter how actually made. See also MPEP 2113. Moreover, an old or obvious product produced by a new method is not a patentable product, whether claimed in “product by process” claims or not.

With regard to claim 7, Chooi et al. discloses a material of the first diffusion barrier layer includes silicon nitride.

With regard to claim 8, Chooi et al. discloses the first diffusion barrier layer has a thickness of at least 50 angstroms (between 500 angstroms and 5,000 angstroms).

With regard to claim 9, Chooi et al. discloses the device further comprising a second diffusion barrier layer (260) disposed over the sidewall diffusion barrier layer.

With regard to claim 10, Chooi et al. discloses the dielectric layer includes silicon oxide (fluorinated SiO₂).

With regard to claim 11, Chooi et al. discloses the metallization layer includes copper.

With regard to claim 12, Chooi et al. discloses the device further comprising a conductive plug disposed within the via, and wherein the conductive plug includes copper.

5. Claim 4, in compliance with 35 USC 112, is rejected under 35 U.S.C. 102(e) as being anticipated by Zhou et al. (PN 6,475,810).

Zhou et al. discloses, as shown in Figure 6, a semiconductor device comprising,
a first metallization layer (14);
a first diffusion barrier layer (22) disposed over the first metallization layer;
a second etch stop layer (16) disposed on and contacting the first metallization layer;
a first etch stop layer (18) disposed on and contacting the second etch stop layer;
a dielectric layer (20) disposed on and contacting the first etch stop layer;
a via extending through the dielectric layer, the first etch stop layer, the second etch stop layer and the first diffusion barrier layer, wherein the second etch stop layer has a thickness of at least 50 angstroms to about 120 angstroms.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou et al. (PN 6,475,810).

Zhou et al. discloses all of the claimed limitations except material of the second etch stop layer. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the device of Zhou et al. having the materials as that claimed by Applicant, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

In re Leshin, 125 USPQ 416.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chooi et al. (PN 6,372,636) in view of Taniguchi (PN 5,847,459, of record).

Chooi et al. discloses all of the claimed limitations except the via has rounded corners. However, Taniguchi discloses forming a via that has rounded corners. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the via of Chooi et al. having rounded corners, such as taught by Taniguchi in order to improve the step coverage of the successively formed metallization layer.

Response to Arguments

8. Applicant's arguments with respect to claims 1 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

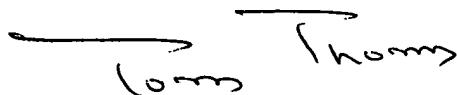
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung K. Vu whose telephone number is (703) 308-4079. The examiner can normally be reached on Mon-Thurs 7:00-4:30 and every other Friday 7:00-3:30, Eastern Time.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (703) 308-2772. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Vu

A handwritten signature consisting of the name "Tom" on the left and "Thomas" on the right, with a horizontal line extending from each name.

December 12, 2002

TOM THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800